

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DONALD WATKINS,

Plaintiff,

v.

WALMART INCORPORATED, ET AL.,

Defendants.

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CIVIL ACTION NO. 4:20-CV-00461-RWS-CAN

ORDER

Before the Court is the United States Magistrate Judge’s Report and Recommendation (Docket No. 42), recommending that Plaintiff Donald Watkins’s complaint be dismissed without prejudice for failure to prosecute and comply with a Court order pursuant to Federal Rule of Civil Procedure 41(b). No party has filed objections to the report. Because no objections to the Magistrate Judge’s Report have been filed, no party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the motion and the Magistrate Judge’s Report and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting

Mathews v. Weber, 23 U.S. 261, 275 (1976)). The Court therefore **ADOPTS** the Magistrate Judge's Reports as the findings and conclusions of the Court. Accordingly, it is

ORDERED that Plaintiff Donald Watkins's complaint is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 12th day of May, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE